

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WALDEMAR PYC,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:08CV00057 JCH
)	
GENIE INDUSTRIES, INC.,)	
RSC EQUIPMENT RENTAL, INC.,)	
)	
Defendants/Third-Party Plaintiffs.)	
)	
vs.)	
)	
RADIOSLAW PYC,)	
)	
Third-Party Defendant and)	
Third-Party Plaintiff)	
)	
vs.)	
)	
GENIE INDUSTRIES, INC., et al.,)	
)	
Third-Party Defendants.)	
)	

ORDER

This matter is before the Court on RSC Equipment Rental, Inc.'s Rule 60(b) Motion for Relief From an Order or in the Alternative, RSC's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted as to Counts IX and X for Pretensive Joinder, filed April 8, 2009. (Doc. No. 60).

On March 30, 2009, this Court granted Plaintiff's Motion to file its First Amended Complaint, which added Kevin Keiper and James Gentry as defendants. (Doc. No. 54). Thereafter, RSC Equipment Rental, Inc. filed this motion asking this Court to declare the Court's March 30, 2009 Order a nullity.

Upon consideration of the parties' briefing of this issue, the Court grants RSC Equipment Rental, Inc.'s Rule 60(b) Motion (Doc. No. 60).

Accordingly,

IT IS HEREBY ORDERED that RSC Equipment Rental, Inc.'s Rule 60(b) Motion (Doc. No. 60) is **GRANTED**. This Court's March 30, 2009 Order granting Plaintiff's Motion for Leave to File a First Amended Complaint is a nullity.

Dated this 4th day of May, 2009.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE